

STATUTORY INSTRUMENTS

2002 No. 3150

**The Company Directors Disqualification
(Northern Ireland) Order 2002**

Introductory

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“administrative receiver” has the meaning given by Article 5(1) of [^{F1}the Insolvency (Northern Ireland) Order 1989];

[^{F2} “ CMA ” means the Competition and Markets Authority;]

[^{F3} “ company ” means—

- (a) a company registered under the Companies Act 2006 in Northern Ireland, or
- (b) a company that may be wound up under Part 6 of the Insolvency (Northern Ireland) Order 1989 (unregistered companies);]

[^{F4} “ the Companies Acts ” has the meaning given by section 2(1) of the Companies Act 2006;]

[^{F5} “ the Companies Acts ” has the meaning given in section 2 of the Companies Act 2006;]

^{F6}

^{F7}

^{F8}

“the Department” means the Department of Enterprise, Trade and Investment;

[^{F9} “ director ” includes any person occupying the position of director by whatever name called;]

^{F10}

[^{F11} “ officer ” has the same meaning as in the Companies Acts (see section 1173(1) of the Companies Act 2006);]

“the official receiver” means, in relation to the winding up of a company or the bankruptcy of an individual, any officer of the Department who by virtue of Article 355 or 357 of [^{F12}the Insolvency (Northern Ireland) Order 1989] is authorised to act as the official receiver in relation to that winding up or bankruptcy;

^{F13} ...

“prescribed” means prescribed by regulations;

[^{F14} “ the registrar ” means the registrar of companies for Northern Ireland;]

^{F15}[“regulations” means—

Status: Point in time view as at 26/05/2015. This version of this provision has been superseded.

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- (a) in Article 13D, regulations made by the Secretary of State, and
- (b) in other provisions of this Order, regulations made by the Department subject (except in Article 23(3)) to negative resolution;]

“shadow director”, in relation to a company, means a person in accordance with whose directions or instructions the directors of the company are accustomed to act [^{F16}, but so that a person is not deemed a shadow director by reason only that the directors act—

- (a) on advice given by that person in a professional capacity;
- (b) in accordance with instructions, a direction, guidance or advice given by that person in the exercise of a function conferred by or under a statutory provision;
- (c) in accordance with guidance or advice given by that person in that person's capacity as a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975)];

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(3) Article 6 of [^{F17}the Insolvency (Northern Ireland) Order 1989] (interpretation for Parts II to VII of that Order) applies as regards references to a company's insolvency and to its going into liquidation; and references to acting as an insolvency practitioner are to be read in accordance with Article 3 of that Order.

[^{F18}(4) Any reference to provisions, or a particular provision, of the Companies Acts or the Insolvency (Northern Ireland) Order 1989 includes the corresponding provisions or provision of corresponding earlier legislation.]

[^{F19}(5) Subject to the provisions of this Article, expressions that are defined for the purposes of the Companies Acts [^{F20}(see section 1174 of, and Schedule 8 to, the Companies Act 2006)] have the same meaning in this Order.]

- (6) Any reference to acting as receiver—
 - (a) includes acting as manager or as both receiver and manager, but
 - (b) does not include acting as administrative receiver.

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| F1 | Art. 2(2): words in the definition of "administrative receiver" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 204(2)(a) (with art. 10) |
| F2 | Words in art. 2(2) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892) , art. 1(1), Sch. 1 para. 224(b) (with art. 3) |
| F3 | Art. 2(2): definition of "company" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 204(2)(b) (with art. 10) |
| F4 | Art. 2(2): definition of "the Companies Acts" inserted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 204(2)(c) (with art. 10) |
| F5 | Art. 2(2): definition of "the Companies Acts" inserted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948) , arts. 2(2), 3(1)(b), Sch. 1 para. 226(2)(a)(iii) (with arts. 6, 11, 12) |
| F6 | Art. 2(2): definition of "the companies legislation" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 204(2)(d) (with art. 10) |
| F7 | Art. 2(2): definition of "the Companies Order" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 204(2)(d) (with art. 10) |

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- F8** Art. 2(2): definition of "the Companies Orders" repealed (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3, Sch. 1 para. 226(2)(a)(ii), **Sch. 2** (with arts. 6, 11, 12)
- F9** Art. 2(2): definition of "director" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(2)(e)** (with art. 10)
- F10** Art. 2(2): definition of "the Insolvency Order" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(2)(f)** (with art. 10)
- F11** Art. 2(2): definition of "officer" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(2)(g)** (with art. 10)
- F12** Art. 2(2): words in the definition of "the official receiver" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(2)(h)** (with art. 10)
- F13** Words in art. 2(2) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 224(a)** (with art. 3)
- F14** Art. 2(2): definition of "the registrar" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(2)(i)** (with art. 10)
- F15** 2005 NI 9
- F16** Words in art. 2(2) substituted (26.5.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 91(2)**, 164(3)(g)(iii)
- F17** Words in art. 2(3) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(3)** (with art. 10)
- F18** Art. 2(4) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(4)** (with art. 10)
- F19** Art. 2(5) substituted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1)(b), **Sch. 1 para. 226(2)(c)** (with arts. 6, 11, 12)
- F20** Words in art. 2(5) inserted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 204(5)** (with art. 10)

Modifications etc. (not altering text)

- C1** Art. 2(2)-(6) applied by S.I. 1989/638, **reg. 20(2)** (as inserted (1.10.2009) by European Economic Interest Grouping (Amendment) Regulations 2009 (S.I. 2009/2399), {reg. 21(4)} (with reg. 2))

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